

### **REMARKS**

Claims 1-16 and 18-37 are currently pending in the subject application and are presently under consideration. Independent claim 1 has been amended herein to incorporate features previously recited in now cancelled claim 17 in order to expedite allowance of the subject patent application. In addition, claim 18 has been amended to correct a minor informality. Applicants' representative notes that the amendments do not necessitate a new search or any undue effort by the Examiner as they do not present new claimed subject matter. Moreover, claims 21-37 stand withdrawn, however, applicants reserve the right to rejoin such claims at a later date. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-16 and 20 Under 35 U.S.C. §102(a)**

The Examiner has rejected claims 1-16 and 20 under 35 U.S.C. §102(b) as being anticipated by Carducci, *et al.* (US 2003/0037880) – however, as the publication date of Carducci, *et al.* is less than one year prior to the filing date of the subject application, it is believed that the Examiner's intent is to reject these claims under 35 U.S.C. §102(a). Applicant's representative respectfully requests that this rejection be withdrawn for at least the following reasons. Elements of claim 17 have been incorporated into independent claim 1 (and all claims dependent therefrom). Therefore, this rejection should be withdrawn.

#### **II. Rejection of Claims 1-20 Under 35 U.S.C. §102(e)**

The Examiner has rejected claims 1- 20 under 35 U.S.C. §102(b) as being anticipated by Grimbergen, *et al.* (US 6,835,275) – however, as the publication date of Grimbergen, *et al.* is subsequent in time to the filing date of the subject application, it is believed that the Examiner's intent is to reject these claims under 35 U.S.C. §102(e). Applicant's representative respectfully requests that this rejection be withdrawn for at least the following reasons. Grimbergen, *et al.* fails to disclose, teach, or suggest each and every aspect as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim.* *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See*

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention relates to in-situ surface treatment for memory cell formation. In particular, amended independent claim 1 recites a system for in-situ surface treatment in fashioning a memory cell comprising a gas distribution system that selectively provides a fluorine (F) based gas into a processing chamber; an excitation system that electrically excites the fluorine based gas to establish a plasma in the chamber which interacts with a conductive surface to transform the surface from a conductive material into a passive layer that includes a conductivity facilitating compound having conductivity facilitating properties; *a measurement system that monitors the passive layer being formed; and a control system operatively coupled to the measurement system, gas distribution system and excitation system, the control system obtaining readings taken by the measurement system and selectively adjusting at least one of the gas distribution system and excitation system in response thereto to facilitate at least one of forming the passive layer to a desired thickness, forming the passive layer at a desired rate, forming the passive layer to a desired composition and forming the passive layer at a desired location*. Grimbergen, *et al.* fails to disclose such features of the subject claim.

Rather, the cited reference relates to reducing deposition of process residues on chamber surfaces by employing various chamber recess implementations. On page 4 of the Final Office Action, the Examiner states that Grimbergen *et al.* teaches an interferometric measurement system associated with a controller that controls associated systems of the plasma processing apparatus. However, nowhere does the cited reference utilize a measurement system and control system to control the amount of conductive layer that is being converted into a passive layer via plasma interaction with the conductive layer, let alone forming the passive layer to desired thickness, desired composition desired location and at a desired rate. Consequently, Grimbergen *et al.* is silent regarding *a control system obtaining readings taken by the measurement system and selectively adjusting at least one of the gas distribution system and excitation system in response thereto to facilitate at least one of forming the passive layer to a desired thickness,*

*forming the passive layer at a desired rate, forming the passive layer to a desired composition and forming the passive layer at a desired location*, as afforded by the claimed invention.

In view of at least the foregoing, it is readily apparent that Grimbergen *et al.* fails to teach the identical invention in as much detail as is contained in the subject claims. Accordingly, this rejection with respect to independent claim 1 (and the claims that depend there from) should be withdrawn.

### **III. Rejection of Claims 17-19 Under 35 U.S.C. §103(a)**

Claims 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carducci *et al.* in view of Grimbergen *et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims depend from independent claim 1. As discussed *supra*, both Carducci *et al.* and Grimbergen *et al.* fail to disclose or suggest all aspects of independent claim 1. Accordingly, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [AMDP879US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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